

1 SENATE BILL 547

2 **46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

3 INTRODUCED BY

4 Linda M. Lopez

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10 AN ACT

11 RELATING TO EDUCATION; ALLOWING ACCREDITED PRIVATE SCHOOLS TO
12 RECEIVE DISTRIBUTIONS FROM THE EDUCATIONAL TECHNOLOGY FUND;
13 AMENDING AND ENACTING SECTIONS OF THE TECHNOLOGY FOR EDUCATION
14 ACT.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. Section 22-15A-1 NMSA 1978 (being Laws 1994,
18 Chapter 96, Section 1) is amended to read:

19 "22-15A-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article
20 15A NMSA 1978 may be cited as the "Technology for Education
21 Act"."

22 Section 2. A new section of the Technology for Education
23 Act is enacted to read:

24 "[NEW MATERIAL] PRIVATE SCHOOLS--ELIGIBILITY.--

25 A. A qualified student, as defined in the Public

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1 School Finance Act, or person eligible to become a qualified
2 student attending an accredited private school in kindergarten
3 through twelfth grade is entitled to the free use of software
4 technology.

5 B. Software technology shall be distributed to
6 accredited private schools as agents for the benefit of
7 students entitled to the free use of the software technology.

8 C. An accredited private school that receives
9 software technology is responsible for distribution of the
10 software technology for use by eligible students and for the
11 safekeeping of the software technology."

12 Section 3. A new section of the Technology for Education
13 Act is enacted to read:

14 "[NEW MATERIAL] ACCREDITED PRIVATE SCHOOLS--DUTIES.--In
15 order to foster a cooperative working relationship with the
16 department and the bureau, accredited private schools shall:

17 A. establish and implement an effective review and
18 monitoring process by their own staff members and experts in
19 the field of educational technology;

20 B. develop comprehensive educational technology
21 plans in accordance with bureau rules;

22 C. conduct regular self-assessments of their
23 particular educational technology plans to ensure that the
24 burdens on the bureau are minimized in its administration of
25 the provisions of the Technology for Education Act;

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1 D. cooperate with the activities and requirements
2 of the bureau and the council;

3 E. promote collaboration among the accredited
4 private school community and governments, business
5 organizations, educational organizations and telecommunications
6 entities to improve and expand the use of technology in
7 education; and

8 F. participate in a periodic review of the working
9 relationship between the department, the bureau and the
10 accredited private school community to ensure that the
11 provisions of the Technology for Education Act are being met."

12 Section 4. Section 22-15A-2 NMSA 1978 (being Laws 1994,
13 Chapter 96, Section 2) is amended to read:

14 "22-15A-2. DEFINITIONS.--As used in the Technology for
15 Education Act:

16 A. "accredited private school" means a school that
17 has been accredited in compliance with a department-approved
18 process and accrediting agency;

19 [~~A.~~] B. "bureau" means the education technology
20 bureau in the department [~~of education~~];

21 [~~B.~~] C. "chief" means the chief of the bureau;

22 [~~C.~~] D. "council" means the council on technology
23 in education; [~~and~~

24 [~~D.~~] E. "educational technology" means tools used in
25 the educational process that constitute learning resources and

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1 may include closed circuit television systems, educational
2 television and radio broadcasting, cable television, satellite,
3 copper and fiber optic transmission, computer, video and audio
4 laser and CD ROM discs, video and audio tapes or other
5 technologies and the training, maintenance, equipment and
6 computer infrastructure information, techniques and tools used
7 to implement technology in classrooms and library and media
8 centers; and

9 F. "software technology" means computer software,
10 video and audio laser and CD ROM discs or video and audio tapes
11 used to enhance learning by students and that do not purport to
12 teach religious tenets, doctrines or worship."

13 Section 5. Section 22-15A-4 NMSA 1978 (being Laws 1994,
14 Chapter 96, Section 4) is amended to read:

15 "22-15A-4. BUREAU DUTIES.--In accordance with the
16 policies and [~~regulations~~] rules of the [~~state board~~]
17 department, the bureau shall:

18 A. administer the provisions of the Technology for
19 Education Act;

20 B. develop a statewide plan for the integration of
21 educational technology into the public schools and accredited
22 private schools and coordinate technology-related education
23 activities with other state agencies, the federal government,
24 business consortia and public or private agencies or
25 individuals;

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1 C. assist school districts and accredited private
2 schools to develop and implement a strategic, long-term plan
3 for [~~utilizing~~] using educational technology [~~in the school~~
4 ~~system~~];

5 D. upon approval of a school district's or
6 accredited private school's technology plan, make distributions
7 to [~~school districts~~] them from the educational technology
8 fund;

9 E. recommend funding mechanisms that will support
10 the development and maintenance of an effective educational
11 technology infrastructure in the state;

12 F. promote collaboration among government,
13 business, educational organizations and telecommunications
14 entities to [~~expand and~~] improve and expand the use of
15 technology in education;

16 G. assess and determine the educational technology
17 needs of school districts and accredited private schools; and

18 H. provide staff support for and coordinate the
19 activities of the council."

20 Section 6. Section 22-15A-6 NMSA 1978 (being Laws 1994,
21 Chapter 96, Section 6) is amended to read:

22 "22-15A-6. COUNCIL MEMBERSHIP.--

23 A. The council shall be composed of seventeen
24 members. Members shall be appointed by the [~~state board~~]
25 secretary of public education for terms of four years. As

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1 designated by the [~~state board~~] department at the time of
2 initial appointment, the terms of five members shall expire at
3 the end of two years, the terms of five members shall expire at
4 the end of three years and the terms of seven members shall
5 expire at the end of four years.

6 B. When appointing members, the [~~state board~~]
7 secretary shall appoint:

8 (1) one member who shall have expertise in
9 state government;

10 (2) three members who shall have expertise in
11 school district administration;

12 (3) two members who shall have expertise in
13 providing instructional services in post-secondary, technical-
14 vocational or adult education;

15 (4) three members who shall have expertise in
16 providing instructional services in elementary or secondary
17 schools;

18 (5) two members who shall be parents of
19 school-age children;

20 (6) one member who shall be a [~~public school~~]
21 secondary student in a public or accredited private school;

22 (7) three members who shall have expertise in
23 educational technology; [~~and~~]

24 (8) [~~two members~~] one member at large; and

25 (9) one member who has expertise in accredited

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1 private schooling.

2 C. In making appointments to the council, the
3 [~~state board~~] secretary shall give due consideration to
4 geographic location, gender and ethnicity of members to achieve
5 a membership representative of the [~~geographic and cultural~~]
6 diversity of New Mexico.

7 D. Members of the council shall elect a chairman
8 from among the membership. The council shall meet at the call
9 of the chairman not less than quarterly.

10 E. Members of the council shall receive per diem
11 and mileage pursuant to the provisions of the Per Diem and
12 Mileage Act, but shall receive no other compensation,
13 perquisite or allowance."

14 Section 7. Section 22-15A-7 NMSA 1978 (being Laws 1994,
15 Chapter 96, Section 7) is amended to read:

16 "22-15A-7. COUNCIL DUTIES.--The council shall:

17 A. advise the bureau on implementation of the
18 provisions of the Technology for Education Act;

19 B. work with the bureau to conduct periodic
20 assessments of the need for educational technology in the
21 public school system and in accredited private schools and make
22 recommendations to the [~~state board~~] department on how to meet
23 those needs;

24 C. promote the collaborative development and
25 implementation of educational technologies, projects and

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1 practices to enhance instruction capabilities;

2 D. develop and recommend to the [~~state board~~]
3 department a statewide plan to infuse educational technology
4 into the public school system and accredited private schools in
5 support of state and national education goals; and

6 E. provide assistance to the bureau in review of
7 school district and accredited private school technology
8 plans."

9 Section 8. Section 22-15A-9 NMSA 1978 (being Laws 1994,
10 Chapter 96, Section 9, as amended) is amended to read:

11 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND--DISTRIBUTION.--

12 A. Upon annual review and approval of a school
13 district's or accredited private school's educational
14 technology plan, the bureau shall determine a separate
15 distribution from the educational technology fund for each
16 approved school district and accredited private school.

17 B. On or before July 31 of each year, the bureau
18 shall distribute money in the educational technology fund
19 directly to each approved school district and accredited
20 private school in an amount equal to ninety percent of the
21 school district's or accredited private school's estimated
22 adjusted entitlement calculated pursuant to Subsection C of
23 this section. A school district's or accredited private
24 school's unadjusted entitlement is that portion of the total
25 amount of the annual appropriation that the projected

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1 membership bears to the projected membership of the state.
2 Public kindergarten or accredited private school membership
3 shall be calculated on a one-half full-time equivalent basis.

4 C. A school district's or accredited private
5 school's estimated adjusted entitlement shall be calculated by
6 the bureau using the following procedure:

7 (1) a base allocation is calculated by
8 multiplying the total annual appropriation by seventy-five
9 thousandths [~~of one~~] percent;

10 (2) the estimated adjusted entitlement amount
11 for a school district or accredited private school whose
12 unadjusted entitlement is at or below the base allocation shall
13 be equal to the base allocation. For a school district or
14 accredited private school whose unadjusted entitlement is
15 higher than the base allocation, the estimated adjusted
16 entitlement shall be calculated pursuant to Paragraphs (3)
17 through (13) of this subsection;

18 (3) the total projected membership in those
19 school districts or accredited private schools that will
20 receive the base allocation pursuant to Paragraph (2) of this
21 subsection is subtracted from the total projected state
22 membership;

23 (4) the total of the estimated adjusted
24 entitlement amounts that will be distributed to those school
25 districts or accredited private schools receiving the base

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1 allocation pursuant to Paragraph (2) of this subsection is
2 subtracted from the total appropriation;

3 (5) the projected membership for the school
4 district or accredited private school is divided by the result
5 calculated pursuant to Paragraph (3) of this subsection;

6 (6) the number calculated pursuant to
7 Paragraph (5) of this subsection is multiplied by the value
8 calculated pursuant to Paragraph (4) of this subsection;

9 (7) the total of all legislative
10 appropriations, excluding reauthorizations of education
11 technology appropriations made to the subject school district
12 or accredited private school, made after January 1, 2003 for
13 educational technology directly to, and not rejected by, the
14 school district or accredited private school is calculated. No
15 later than June 30 of each year, the legislative council
16 service shall certify to the bureau the amount of direct
17 appropriations made to each school district or accredited
18 private school during the preceding twelve months;

19 (8) the applicable amount for the school
20 district or accredited private school calculated from
21 Subparagraph (k), (m), (n) or (o) of Paragraph (5) of
22 Subsection C of Section 22-24-5 NMSA 1978 is subtracted from
23 one;

24 (9) the value calculated pursuant to Paragraph
25 (7) of this subsection for the school district or accredited

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1 private school is multiplied by the amount calculated pursuant
2 to Paragraph (8) of this subsection for that school district or
3 accredited private school;

4 (10) the total amount of reductions for the
5 school district or accredited private school made in prior
6 fiscal years pursuant to Paragraph (11) of this subsection is
7 subtracted from the amount calculated pursuant to Paragraph (9)
8 of this subsection for that school district or accredited
9 private school;

10 (11) the amount calculated for the school
11 district or accredited private school pursuant to Paragraph
12 (10) of this subsection is subtracted from the amount
13 calculated pursuant to Paragraph (6) of this subsection for
14 that school district or accredited private school;

15 (12) if the amount calculated for the school
16 district or accredited private school pursuant to Paragraph
17 (11) of this subsection is equal to or less than the base
18 allocation amount, the estimated adjusted entitlement amount
19 for that school district or accredited private school is equal
20 to the base allocation amount; and

21 (13) if the amount calculated for the school
22 district or accredited private school pursuant to Paragraph
23 (11) of this subsection is more than the base allocation
24 amount, the estimated adjusted entitlement amount for that
25 school district or accredited private school is equal to the

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1 amount calculated pursuant to that paragraph.

2 D. On or before January 30 of each year, the bureau
3 shall recompute each adjusted entitlement using the final
4 funded membership for that year and, without making any
5 additional reductions, shall allocate the balance of the annual
6 appropriation adjusting for any over- or under-projection of
7 membership.

8 E. ~~Any~~ A school district or accredited private
9 school receiving funding pursuant to the Technology for
10 Education Act is responsible for the purchase, distribution,
11 use and maintenance of educational technology.

12 F. As used in this section, "membership" means the
13 total enrollment of qualified students, as defined in the
14 Public School Finance Act, or the total enrollment of
15 accredited private school students on the current roll of class
16 or school on a specified day. The current roll is established
17 by the addition of original entries and re-entries minus
18 withdrawals. Withdrawal of students, in addition to students
19 formally withdrawn from the public school or accredited private
20 school, includes students absent from the public school or
21 accredited private school for as many as ten consecutive school
22 days."

23 Section 9. Section 22-15A-10 NMSA 1978 (being Laws 1994,
24 Chapter 96, Section 10, as amended) is amended to read:

25 "22-15A-10. ANNUAL REPORT.--Annually, at a time specified

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1 by the department [~~of education~~], each school district and
2 accredited private school receiving distributions from the
3 educational technology fund shall file a report with the
4 department [~~of education~~] regarding distributions received,
5 direct legislative appropriations for educational technology
6 made and not rejected, expenditures made and educational
7 technology obtained by the school district or accredited
8 private school and such other related information as may be
9 required by the department [~~of education~~]."

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